

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

United States of America <i>ex rel.</i> ,	:	
	:	Case 2:10-cv-04374 (CDJ)
Stephen A. Krahling and Joan A.	:	
Wlochowski,	:	
	:	DECLARATION OF MARLENE KOURY
Relators,	:	IN SUPPORT OF RELATORS'
	:	OPPOSITION TO MERCK'S MOTION TO
v.	:	DISMISS
	:	
Merck & Co., Inc.	:	
	:	
Defendant.	:	
	:	

Marlene Koury hereby declares and states, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney with Constantine Cannon LLP, counsel for Stephen A. Krahling and Joan A. Wlochowski, Relators in the above-captioned case. I have personal knowledge of the matters set forth herein.
2. On October 9, 2012, I accessed the website of Defendant Merck, specifically the Merck Web Page on “Seroconversion Rates” for Merck’s mumps vaccine, found at <https://www.merckvaccines.com/Products/mmr/Pages/seroconversion-rates.aspx>. Attached as Exhibit A is a true and correct copy of a screen shot of that Web Page taken on October 9, 2012.
3. On October 9, 2012, I accessed the website of the U.S. Food and Drug Administration (FDA), specifically the FDA Web Page on “Determining the Safety and Efficacy of Vaccines to Protect Against Viruses that Infect the Central Nervous System,” found at <http://www.fda.gov/BiologicsBloodVaccines/ScienceResearch/BiologicsResearchAreas/ucm127315.htm>. Attached as Exhibit B is a true and correct copy of a print out of that Web Page made on October 9, 2012.

4. On October 9, 2012, I accessed the website of the U.S. National Institutes of Health (NIH), specifically the NIH Web Page on the project entitled “Developing a Novel Mumps Virus Vaccine,” found at http://projectreporter.nih.gov/project_info_description.cfm?aid=8371494&icde=12549650&ddparam=&ddvalue=&ddsub=&cr=10&csb=default&cs=ASC. Attached as Exhibit C is a true and correct copy of a print out of that Web Page made on October 9, 2012.

5. On October 9, 2012, I accessed the website of the U.S. Department of Justice (DOJ), specifically the DOJ Web Page containing a press release dated December 19, 2011 and entitled “Justice Department Recovers \$3 Billion in False Claims Act Cases in Fiscal Year 2011,” found at <http://www.justice.gov/opa/pr/2011/December/11-civ-1665.html>. Attached as Exhibit D is a true and correct copy of a print out of that Web Page made on October 9, 2012.

6. On October 9, 2012, I accessed the website of the U.S. Department of Health and Human Services (HHS), specifically the HHS Web Page containing the April 18, 2007 statement by Jesse Goodman M.D., M.P.H., Director of the Center for Biologics, Evaluation and Research at the FDA on the “FDA’s Role in the Regulation of Vaccines,” made to the U.S. Committee on Homeland Security, Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, U.S. Department of Health and Human Services. This Web Page can be found at <http://www.hhs.gov/asl/testify/2007/04/t20070418c.html>. Attached as Exhibit E is a true and correct copy of a print out of that Web Page made on October 9, 2012.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this
9th day of October, 2012.



Marlene Koury